



# The Citation

## SBA Oyster Roast

On December 10, 2020, the Savannah Bar Association held its annual oyster roast at Old Fort Jackson. Thanks to Skidaway Steamers for preparing the delicious oysters, to The Fractions for providing live music, and to Hawk PI for sponsoring the event!





## Judicial Council of Georgia Recognizes the Chatham County Magistrate Court of Georgia

The Judicial Council of Georgia was created to develop policies for administering and improving Georgia courts. The Judicial Council's Standing Committee on Judicial Workload Assessment and the Research staff at the Administrative Office of the Courts recently presented the Chatham County Magistrate Court with its Clearance Rate Excellence Award for the 2019 award year. The Clearance Rate Excellence Award was created in 2018 to acknowledge courts that are keeping up with their incoming caseload. Ideally, courts strive to achieve a clearance rate goal of 100% or higher. The Chatham County Magistrate Court's three-year clearance rate average was 238%.

Chief Judge Mary Kathryn Moss and Judge Michael H. Barker were humbled by the recognition, thanking the hard work of pro temp Judge Bonzo Reddick, all the Magistrate Court clerks and former Court Administrator/Clerk of Court, Rebecca ("Becky") Batey and Court Administrator/Clerk of Court/Pro Temp Judge Roxanne Formey. The Chatham County Magistrate Court generally handles over 18,000 cases a year.



## Letters from Judge Tom Bordeaux

### TO LAWYERS PRACTICING IN CHATHAM COUNTY PROBATE COURT:

First, welcome to 2021! May it be a healthier, kinder, more prosperous, and saner new year.

Omnibus legislation, HB 865, which affects practice in Probate Court, was passed by the Georgia legislature last year and became effective on January 1, 2021. I've previously released to you some information concerning its changes, but I'd like to focus your attention on a section of the law which will affect how you draft wills for your clients.

A will should specify what the executor is authorized or empowered to do to carry out his or her duties. While the drafter (especially those charging by the page or weight of the will) may choose to itemize those powers, Georgia law provides that the testator may identify those powers simply by incorporating by reference the statute which lists those powers. See, O.C.G.A. §§ 53-12-261(d) and 53-12-263.

For the last 20 years or so, O.C.G.A. § 53-12-261 has been the statute to refer to for what powers are being incorporated. That remains so even after the new legislation.

However, while you still may, and probably will want to, incorporate that statute into wills, be aware that the 2020 amendment deleted from that code section some of the powers it had listed. Those now deleted powers were found at 53-12-261 (30) and are those which allowed the executor to "serve without making and filing inventory and appraisement, without filing any annual or other returns or reports to any court, and without giving bond . . ." Wills executed prior to January 1, 2021, which incorporate the powers in 53-12-261 remain effective, including the waiver of bond, inventory and returns.



On the other hand, wills executed on or after January 1, 2021, which merely incorporate the powers in 53-12-261 will not include the executor's right to be excused from posting bond or making an inventory and returns. For a testator to excuse the executor from having to file inventory and returns, or from having to send a statement of receipts and disbursements to the beneficiaries, the will's drafter (you) must include explicit provisions so providing. See, O.C.G.A. § 53-7-69 for inventory and returns, and a new code section, 53-7-69.1, for statements of receipts and disbursements.

In addition to how you draft wills in 2021, this same legislation affects how you probate intestate estates. Just as in the past for an administrator to be granted the powers contained in O.C.G.A. § 53-12-261, the heirs must have unanimously consented thereto in writing, now the heirs must unanimously consent in order to relieve the administrator from having to post bond or file inventory, reports, or statements, as well as to grant the administrator the powers still remaining in the revised 53-12-261.

I know this sounds confusing, but here's the deal: the legislature evidently concluded that whether an estate representative should have to post a bond, file an inventory, file an annual report, or let heirs/beneficiaries know what he's doing with the stuff in an estate is important enough the segregate out those issues. Where there's a will, they chose to make the testator spell out what he wants to happen. Where there's no will, the legislature decided to make the heirs unanimously agree as to what's to happen. I believe that thinking about it in those terms will help the logic of the changes flow more easily.

Again, I wish you well in the coming year and hope that Chief Clerk of Court Wendy Williamson, the rest of the Probate Court staff, and I can be of service to you.

Tom Bordeaux, Judge  
Probate Court of Chatham County

Counsel:

The 2020 Georgia General Assembly passed legislation, HB 865, affecting many aspects of Probate Court and how some of the cases heard here are to be handled. It becomes effective on January 1, 2021, and you may look it up at <https://www.legis.ga.gov/house>. (Search for "HB 865".)

As you know, for many of our cases, we run on forms, standardized forms approved by the Supreme Court, the use of which is mandatory. As you might have predicted given how 2020 has gone, our forms – particularly with regard to time for service and time to respond – have not yet been updated to take into account the changes being brought by HB 865 next week.

The problem will be that the approved forms will in some instances not be accurate, while the accurate forms (the appropriate committee of the Council of Probate Court Judges has approved updates to 23 of the standard forms) have not yet been finally approved.

We will work through the process with you. We suggest you use these unofficial forms starting January 1. You can find PDF versions of the new forms at the links below. I'm told that there remain a few "minor internet bugs" still being worked out, so if a link doesn't work today, try back tomorrow. (Yes, really.) The links are:

<https://georgiacourts.gov/probate/georgia-probate-court-recommended-forms-and-general-instructions/>  
[https://mailchi.mp/georgiacourts/cpcj\\_forms-and-resources](https://mailchi.mp/georgiacourts/cpcj_forms-and-resources)



I look forward to working with you. I wish us all a healthier, safer, kinder, and more gracious and more sane new year.

Tom Bordeaux, Judge  
Probate Court of Chatham County

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## GLSP Attorney Appointed to Judicial Council's Ad Hoc Committee

Georgia Legal Services Program-Savannah Regional Office is pleased to announce that Sarah J. Anderson has been appointed to the Judicial Council's Ad Hoc Committee on Improving Community Access to Legal Resources (CALER). Created by Chief Justice Harold D. Melton, the Committee's goal is to improve Georgians' access to legal resources in our judicial system by enhancing our state-wide law library system.

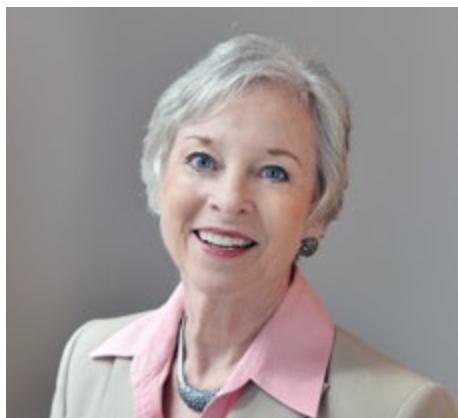
Ms. Anderson is the Pro Bono Project Staff Attorney for the Savannah region. Her primary responsibility is to promote the delivery of high-quality legal services by local volunteer lawyers, law students, paralegals, and other professionals in coordination with GLSP attorneys and staff. Ms. Anderson is also responsible for building and maintaining the Pro Bono Record Restriction Statewide Signature Project. She can be contacted at [sjanderson@glsp.org](mailto:sjanderson@glsp.org).

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## Georgia Trend Recognizes Bouhan Falligant Attorneys as "Legal Elite"

Bouhan Falligant attorneys Kathy Horne, Carlton Joyce, and Heather Lundy were recently recognized in the December 2020 issue of Georgia Trend as part of the publication's prestigious "Legal Elite" designation. Legal Elite recognizes the top attorneys in the state of Georgia as selected by their peers. Horne was recognized for her work in the area of bankruptcy law, Joyce in the area of general practice and trial law, and Lundy for her work in the area of real estate law.

Georgia Trend's Legal Elite issue honors the state's most effective attorneys in a number of practice areas, including bankruptcy/creditors' rights, business law, corporate law, criminal law, family law, general practice, labor & employment, personal injury, public finance/bonds, and taxes/estates/trusts. Recipients, who must be a member of the State Bar and live and practice in Georgia, are nominated and selected by their peers.



Kathy Horne



Carlton Joyce



Heather Lundy



## Six HunterMaclean Attorneys Honored as 2020 Georgia Trend Legal Elite

HunterMaclean, a leading business law firm with offices in Savannah and St. Simons Island, is honored to announce that six attorneys were recently recognized as 2020 Legal Elite by Georgia Trend.

Georgia Trend, a statewide business publication, recently published its annual issue honoring Georgia's leading attorneys for their achievements in various practice areas. Legal Elite is compiled by attorneys submitting their nominations through the publication's website, and the listing is determined solely by attorneys' votes.

HunterMaclean attorneys named as 2020 Legal Elite include:



Thomas S. Cullen



T. Mills Fleming



J. Benedict Hartman



Bradley M. Harmon



Shawn A. Kachmar



Frank S. Macgill

Georgia Trend's Legal Elite issue can be found at [www.georgiatrend.com](http://www.georgiatrend.com).



## Nine Oliver Maner Lawyers Named to Georgia Trend's 2020 Legal Elite

For the 18th year, Georgia Trend magazine has recognized Georgia's top lawyers in its highly anticipated "Legal Elite" list published annually in the magazine's December issue. Oliver Maner is pleased to announce nine of the firm's lawyers were nominated and named to the annual list by their peers who represent 16 legal practice areas from all corners of the state. Oliver Maner lawyers named to Georgia Trend's 2020 "Legal Elite" list include:

- I. Greg Hodges, Partner - Personal Injury
- Robert W. Schivera, Partner - Corporate Law
- Patricia T. Paul, Partner - Labor & Employment
- Lee A. Summerford, Partner - Taxes, Estates & Trusts
- Andrew M. Wilkes, Partner - Family Law
- Benjamin M. Perkins, Partner - Business Law & General Practice / Trial Law
- Paul H. Threlkeld, Partner - General Practice / Trial Law
- George T. Major, Jr., Partner - Personal Injury
- T. Lawrence Evans, Partner - Bankruptcy / Creditors' Rights

"We have an incredibly talented team of lawyers here at Oliver Maner and extremely grateful for the recognition of our efforts to provide elite legal expertise and understanding of the practice areas of law we represent," said Oliver Maner Managing Partner Patrick O'Connor. To view the full list of [Georgia Trend's 2020 Legal Elite](#).

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## 14 Oliver Maner Practice Areas Included in U.S. News and Best Lawyers 2021 "Best Law Firms" Awards

U.S. News & World Report and Best Lawyers®, for the 11th consecutive year, collaboratively announce the release of the "Best Law Firms" rankings. Oliver Maner, a prominent Savannah-based law firm providing superior legal solutions since its founding in 1897, is pleased to announce 14 of the firm's practice areas were included in the annual awards list and recognized for professional excellence with consistently impressive ratings from clients and peers.

Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal expertise. The following Oliver Maner practice areas were named in the 2021 "Best Law Firms" awards:

- Bet-the-Company Litigation
- Commercial Litigation
- Legal Malpractice Law - Defendants
- Mediation
- Medical Malpractice Law - Defendants
- Municipal Law
- Personal Injury Litigation - Defendants
- Personal Injury Litigation - Plaintiffs
- Real Estate Law
- Tax Law
- Trusts & Estates Law
- Family Law
- Litigation - Real Estate
- Corporate Law

The 2021 rankings are based on the highest lawyer and firm participation on record, incorporating 8.3 million evaluations of more than 110,000 individual leading lawyers from more than 22,000 firms. "For the 2021 'Best Law Firms' publication, the evaluation process has remained just as rigorous and discerning as it did when we first started 11 years ago," says Phil Greer, CEO of Best Lawyers. "This year we reviewed 15,587 law firms throughout the United States – across 75 national practice areas – and a total of 2,179 firms received a national law firm ranking. We are proud that the 'Best Law Firms' rankings continue to act as an indicator of excellence throughout the legal industry."



## Bouhan Falligant Hires Three New Attorneys Lineberry, Lyndale, Parker Join the Firm

Bouhan Falligant announced the hiring of Logan Lineberry, Chase Lyndale and John Parker as associate attorneys for the firm.

Lineberry is a recent graduate with honors from Emory University School of Law and earned his Bachelor of Arts, summa cum laude, in political science with a concentration in legal studies from Virginia Tech. He is working in the firm's litigation group, focusing his practice in the areas of corporate defense, transportation and logistics, education law, medical malpractice and product liability.

Lyndale is a recent graduate, magna cum laude, from the University of Georgia School of Law and received his Bachelor of Science, magna cum laude, in psychology with a minor in history from the University of Georgia. He is also a part of the firm's litigation group focusing his practice in maritime, malpractice and professional liability, transportation and logistics, and healthcare.

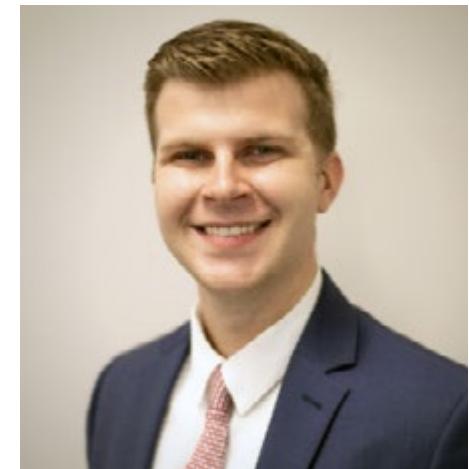
Parker is a recent honor graduate from Emory University School of Law and earned his Bachelor of Arts degree, magna cum laude, in philosophy and political science from Lipscomb University. He is a part of the firm's real estate practice group focusing on both commercial and residential real estate.



Logan Lineberry



Chase Lyndale



John Parker



## Opportunity to Sponsor

*the Mediation Center of the Coastal Empire's*

### VELVET GALA

#### MENDING DIVISIONS, STITCH BY STITCH

**THURSDAY, FEBRUARY 11, 2021 | 6-7:30 P.M.**

**A virtual event supporting the Mediation Center of the Coastal Empire and celebrating our volunteers and partners**

**Event Gift Bags | Student Peer Mediator Reflections | Awards**

All proceeds benefit Mediation Center programs, a 501(c)3 charitable organization. Your tax deductible sponsorship helps provide Mediation Center services and programs to over 5,000 citizens annually.

To sponsor visit <https://mediationsavannah.com/events/> to submit an invoice request, or contact Executive Director Jill Cheeks at 912-248-4106, or GAL & Family Law Resource Center Director Trish Murphy at 912-354-2857.

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#### **VELVET SPONSOR \$5,000**

6 VIP Gift Bags | Mediation Sponsor benefits + Logo on Zoom Background+ Social media promotion

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#### **MEDIATION SPONSOR \$2,500**

VIP Gift Bag for 4 | Logo Recognition during Event + Business Info included in VIP Gift Bags + Corporate Sponsor Benefits

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#### **CORPORATE SPONSOR \$1,000**

VIP Gift Bag for 2 | Social Media Promotion + Friend of Center Benefits

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#### **FRIEND OF CENTER SPONSOR \$500**

VIP Gift Bag for 2 | Access to Silent Auction + Recognition in Newsletter



There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.

- U.S. Supreme Court Justice Hugo Black (1964)

Even in the best of times, legal aid programs can serve only a small fraction of the persons who meet their eligibility standards and need legal assistance. Private attorney participation—or “pro bono”—is absolutely critical, especially in areas of Georgia where there are no lawyers or very few lawyers who can be called upon to help.

Georgia Legal Services Program provides you with pro bono service opportunities across the state. Stay in your office and offer brief services and advice via telephone. Drop in to one of our pro bono legal clinics. Take a case and go to court.

For more information or to volunteer, contact:

Sarah J. Anderson, Pro Bono Project Staff Attorney

[sjanderson@glsp.org](mailto:sjanderson@glsp.org)

(912) 651-2283 x 2184



Georgia Legal  
Services Program

Georgia Legal Services Program is a 501(c)3 nonprofit law firm.

We provide free, civil legal services to low-income or senior-aged Georgians outside of Atlanta.



## Now Open for Submissions

The Savannah Bar Association is always seeking content for upcoming editions of The Citation. Members are encouraged to submit:

- Your professional and personal announcements
- Law-related advertisements,
- Articles or announcements regarding your preferred philanthropies
- Other written submissions.

Suggestions for improving The Citation are also always welcome.

Finally, we love to receive photographs and video to share with our readers!

Bear in mind that our readers include not only current SBA members, but also many judges and law school students.

Please contact us at [SACitation@gmail.com](mailto:SACitation@gmail.com) with submissions or inquiries.